Claim 25 has been amended to change "wherein said functional disease of the digestive tract is a disease of gastrointestinal motor function" to "wherein said functional disease of the digestive tract is irritable bowel syndrome." Support for this amendment can be found on page 4, lines 8-25, of the specification. Support for new Claim 38 can also be found on page 4, lines 8-25, of the specification.

No new matter has been added. Claims 1-38 remain pending in this application.

REMARKS/ARGUMENTS

At the outset, Applicants wish to thank Examiner Coleman for indicating that the present claims are free of the prior art. Applicants submit that, in view of the present amendments and remarks, all of the present claims are patentable.

The rejections of Claims 1-9 and 12-25 under 35 U.S.C. § 112, second paragraph, and of Claims 1-25 under 35 U.S.C. § 112, second paragraph, have been obviated by appropriate amendment. As the Examiner will note, the claims have been amended such that they are free of the criticisms outlined on pages 4, 5, 6, and 7, of the specification.

In particular, as noted above, the claims have been amended to change every occurrence of each of R^1, R^2, R^3, R^4, R^5, R^6, R^7, R^8, R^9, R^{10}, R^{11}, R^{12}, and R^{13} to R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, and R13, respectively. Moreover, the only time "R" appears in the currently amended claims (Claims 18 and 20) it is in reference to the stereo-chemical configuration of an atom, not the definition of a group.

In addition, the word derivative has been removed from all of the claims. Further, in Claim 1, and the claims dependent thereon, "Z" has been changed to "z" to match the lower-case descriptor used in the formula.

Accordingly, the rejections are no longer tenable and should be withdrawn.

The rejection of Claim 1 under 35 U.S.C. § 112, first paragraph, has been obviated by appropriate amendment. As the Examiner will note, Claim 1 has been amended to delete the term "solvate thereof."

Thus, the rejection should be withdrawn.

The rejection of Claims 22-25 under 35 U.S.C. § 112, first paragraph, is respectfully traversed. Applicants submit that Claims 22-25 comply fully with the enablement requirement. The test for whether a claim is enabled is set out in *In re Wands*, 8 USPQ2d 1400 (Fed. Cir. 1988). The test includes the following factors:

(A) the breadth of the claims;

(B) the nature of the invention;

(C) the state of the prior art;

(D) the level of one of ordinary skill in the art;

(E) the level of predictability in the art;

(F) the amount of direction provided by the inventor(s);

(G) the existence of working examples; and

(H) the quantity of experimentation needed to make or use the invention based on the content of the disclosure.

Moreover:

> It is improper to conclude that a disclosure is not enabling based on an analysis of only one of the above factors while ignoring one or more of the others. The examiner's analysis must consider all the evidence related to each of these factors, and any conclusion of nonenablement must be based on the evidence as a whole.

MPEP § 2164.01(a).

On page 2 of the Office Action, the position is taken that the specification does not "enable any person skilled in the art to which it pertains, or which it is most nearly connected, to use the invention commensurate in scope with these claims where the disorder is any

functional disease of the digestive tract." This statement reveals a misunderstanding of the evidence in regard to the factors set out above. In particular, Claims 22 and 23 are composition claims, not method claims. Thus, Claims 22 and 23 are not directed toward the treatment of any disease. Applicants submit that pharmaceutical composition claims are enabled if the specification enables any pharmaceutical use of the claimed compounds. To require more is improper.

For this reason, the rejection of Claims 22 and 23 should be withdrawn.

Moreover, the assertion in the Office Action completely ignores the teachings in the specification. Once again, the Examiner's attention is directed toward page 3, lines 7-14, of the present specification, where it is disclosed that antagonists to calcium channels are considered to be effective against diseases of the digestive tract. The Examiner has provided no evidence to rebut that teaching.

The Examiner's attention is also directed toward the *in vivo* results which are reported on pages 108-110, of the present specification. It is particularly noteworthy that the present specification provides not only a large number of synthetic examples but also the results of biological testing for 24 different compounds. This large number of examples is an important factor that must be considered.

In addition, Claim 24 has been amended to recite the very diseases which are disclosed on page 4, lines 8-25, of the specification. Moreover, Claim 25 has been amended to change "wherein said functional disease of the digestive tract is a disease of gastrointestinal motor function" to "wherein said functional disease of the digestive tract is irritable bowel syndrome." These claims are now certainly enabled by the teachings of the present specification.

For all of these reasons, the rejection should be withdrawn,

Applicants submit that the present application is now in condition for allowance, and early notification of such action is earnestly solicited.

Respectfully submitted,

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